

Federal Communications Commission
FCC MAIL SECTION

Oct 5 10 37 AM '98 Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
DISPATCHED BY

In the Matter of)
) GC Docket No. 97-113
Electronic Filing of Documents)
in Rulemaking Proceedings)

MEMORANDUM OPINION AND ORDER
ON RECONSIDERATION

Adopted: September 30, 1998; Released: October 2, 1998

By the Commission:

1. The Commission has under its consideration a petition for reconsideration of its Report and Order in Electronic Filing of Documents in Rulemaking Proceedings, 13 FCC Rcd 11322 (1998) (ECFS Order), which adopted rules permitting the electronic filing of comments in rulemaking proceedings. Petitioner David B. Popkin requests that we eliminate the requirement that individuals filing comments electronically via the Internet include their telephone number on the comments. Mr. Popkin believes individuals, including amateur radio operators, may wish to keep their telephone numbers (which may be unlisted) non-public. For the reasons discussed below, the petition is granted.

2. As Mr. Popkin correctly observes, a commenter's telephone number is not required on non-electronically filed comments in rulemaking proceedings. Thus, parties filing comments in rulemaking proceedings that wish to keep their telephone number private can always file comments on paper rather than electronically. However, we do not want to interpose any barriers to anyone filing comments in rulemaking proceedings electronically, and wish to encourage use of the ECFS. On reconsideration, we will delete the requirement in section 1.419(e) that telephone numbers be provided on all electronically-filed comments in rulemaking proceedings. The telephone number instead will be optional on the ECFS interface and the e-mail template, neither of which is made part of the public record. We note that our action here applies to the filing of comments in rulemaking proceedings only, as telephone numbers may be required in other regulatory contexts.

3. We further note that section 1.419(e) also requires electronic comment filers to provide their "street address." We will take this opportunity to change this requirement to "mailing address" to accommodate those filers that use post office boxes rather than street

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addresses. We also will insert the phrase "and other documents" in section 1.419(e), consistent with other subsections of section 1.419.

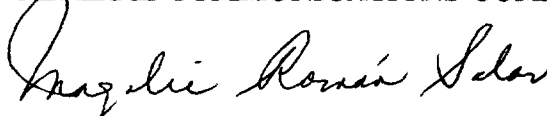
4. In the ECFS Order, we certified that the rules "will not have a significant economic impact on a substantial number of small entities." 5 U.S.C. § 605(b). We supplement that certification to include the amendment of Section 1.419(e) adopted here. The changes to Section 1.419(e) relieve burdens on electronic filers or simply clarify the language of the rule, and therefore will not have a significant economic impact on a substantial number of small entities. The Office of Public Affairs, Reference Operations Division, shall send a copy of this Memorandum Opinion and Order on Reconsideration, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this certification will also be published in the Federal Register.

5. Accordingly, IT IS ORDERED that the Petition for Reconsideration IS GRANTED.

6. IT IS FURTHER ORDERED that the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this Memorandum Opinion and Order on Reconsideration, including the Supplemental Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

7. IT IS FURTHER ORDERED that pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), Part 1 of the Commission's Rules is AMENDED as set forth in the Appendix, effective upon publication in the Federal Register. These rule changes are procedural rules and relieve restrictions on electronic comment filers. We therefore find that the rule amendments should be made effective upon publication. See 5 U.S.C. § 553(d)(1).

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary

Federal Communications Commission

APPENDIX

AMENDMENT TO RULES
(Amended Sections Highlighted)

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 1 -- PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154, 207, 303, and 309(j) unless otherwise noted.

2. Section 1.419 is amended by revising paragraph (e) to read as follows:

(e) Comments and replies **and other documents** filed in electronic form by a party represented by an attorney shall include the name **and mailing** address of at least one attorney of record. Parties not represented by an attorney that file comments and replies **and other documents** in electronic form shall provide their name **and mailing** address.